

**TOWN COUNCIL MEETING  
COUNCIL CHAMBERS**

**APPROVED  
JULY 13, 2015**

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 p.m.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Vice Chairperson Russell White, Councilors Frank Dennett, Jeffrey Pelletier, Judy Spiller and Kenneth Lemont.

5. Agenda Amendment and Adoption

Chairperson Thomson announced that there was a slight change to Item G under New Business regarding the figure to be authorized.

6. Town Manager's Report

Town Manager Puff stated that she attended the Southern Maine Planning and Development Commission annual meeting last month where she was appointed a member of the executive committee.

Town Manager Puff announced that tomorrow would be Bruce Kerns' last day as he will be retiring. She noted that in the interim she will hire Municipal Resources Inc. to fill in to provide the duties of an Assessor. This company charges \$85.00 per hour for their services with an expected schedule of two days per week. She thanked the subcommittee who assisted in the hiring process and noted that Paul McKinney would be the person on site from the firm and that he has already begun the transition.

Town Manager Puff commented on the bond referendum vote that was passed in the June election, she noted she and Cindy have communicated with the Bond Advisor and Bill Stockmeyer, Bond Counsel, as to the timing and mechanics behind issuing debt pursuant to the voter approvals and that on this current agenda, Counsel will take the first step in the process by

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authorizing the sale of bonds with a projected sale date of September 1<sup>st</sup>. She added that the schedule had also included the possible renewal of sewer bans which will not be necessary.

Town Manager Puff thanked the DPW team headed by Norm Albert for opening the Fort Foster pier. She noted that the original estimate for restoration was approximately \$350,000 but Mr. Albert found a cost effective way to repair the pier.

Town Manager Puff commented that Kittery participates in the Healthy Beaches Program, a partnership between University of Maine Cooperative Extension/Sea Grant, the Maine Department of Environmental Protection and local municipalities which ensures that the beaches are safe for swimming and other activities. She noted that she received a phone call from the coordinator informing her that the Kittery team is one of the best in the state. She listed the team members and noted that after heavy rain there could be cause for safety concerns and if so, a warning will be posted. For more information, people can contact the Healthy Beaches website.

Town Manager Puff announced that the newly hired Assistant Planner, Elena Piekut, has accepted a job offer at the City of Dover and will be leaving at the end of the month. An advertisement is out for her position. She also noted that Administrative Clerk Kathleen Rich is being promoted to Accountant. She will begin in the finance department in a few weeks. An advertisement has been posted for a new Administrative Clerk.

Town Manager Puff commented on the establishment of the Library Committee which she was asked to do by Council. The Committee will be meeting for the first time on Wednesday, July 15<sup>th</sup>. She read the list of members which included Steve Workman, Tom Emerson, Kristina DeMarco, George Dow, Tom Newbold, Debra Kam, Lee Perkins and Town Manager Puff.

Town Manager Puff noted that the foreside forum has been in discussions with DOT to see if they could acquire matching grant funds to help with additional foreside work. In the meanwhile, DPW Commissioner Norm Albert stated that he would be able to address some issues including restriping of the roadway and crosswalks to accommodate pedestrians and bicycles. An RFP has been issued for a Comprehensive Plan which will also address the foreside. The Comprehensive Plan Committee hopes to begin interviewing firms by the end of the month. Town Manager Puff also noted that a design is being started for the Walker Wentworth Project, a tax funded project that will treat the streetscape on Main Street with a 2016-2017 work plan. The design will address streetscape, bicycle and pedestrian use and on street parking issues.

Town Manager Puff stated that a few regular employees volunteer every summer at Camp Postcard, a group of police officers striving to create and reinforce dreams. The program is a week long summer camp for Maine's 5<sup>th</sup> and 6<sup>th</sup> graders. Police Lieutenant Russell French and

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Fire Chief David O'Brien regularly volunteer at the camp. This year, Chief Ted Short also volunteered at the camp.

Town Manager Puff announced that on July 21<sup>st</sup> there will be a kick off meeting for Phase IV of the Spruce Creek 319 grant in Town Council Chambers from 4:30-6:00. She noted that everyone is invited to attend and that the Spruce Creek group is looking for new volunteers. Town Manager Puff added that a guest speaker, John Bucci, a scientist from UNH's National Resources and the Environment, will be speaking on the identification of bacteria in Spruce Creek and how to address the sources once they are identified.

Town Manager Puff commented that Police Chief Ted Short informed her that there is a newly concentrated effort to enforce parking regulations in the foreside and at Seapoint. She also commented that 42 State Road, which should have been on the agenda for the Planning Board last week, is a mixed use project at the corner of Love Lane and State Road which has been long underdeveloped and will see redevelopment in the future. She added that packets for Planning Board meetings are posted online for the public to see. Town Manager Puff noted that Attorney McEachern appeared before the Superior Court in late June to discuss procedural requirements regarding the 40 Old Post Road property, also known as the Dineen property. Attorney McEachern made a plea to Justice Fritzsche and the Justice ordered that the burnt bus and the bread van be removed from the property and not be replaced with anything. As of this day, the burnt bus is still there and the bread van has been removed but has been replaced with additional "stuff". Town Counsel McEachern will be going to the Court immediately to seek an order for removal that the Town is able to act on.

Town Manager Puff provided an update on the Sewer Extension Project. At the last meeting it was discussed that the abutters are asking questions about how much the betterments will be and Town Manager Puff has attached to her report a letter that Superintendent Kathios developed and sent to all of the project abutters regarding the process that Council will take up at the end of the project. Also attached to her report is a project update which states that as of the end of last week, it was determined in consult with the project engineers that the Town can comfortably move forward with the Stevenson work now. The work put on hold in order to have an adequate contingency in the project is now being released so the additional 14 properties will be accomplished.

Town Manager Puff commented on an attached list of repairs that need to be made to the roads which was developed by Norm Albert. She noted that they recently met with the BETA Group who is preparing the 10 year road plan and expects them to come before Council at the end of August to make a full presentation as to how we should be investing in our roads year to year.

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Town Manager Puff announced that after a thorough examination of all bids, the Baler purchase contract, including trade in of existing equipment, to Atlantic Recycling of Rollingsford, N.H. in the amount of \$288,050.00.

Town Manager Puff commented that, in response to Councilor Lemont's concerns of a sinkhole in the Cook Street sidewalk, the DPW fixed the sidewalk the next day. She noted that in regards to Councilor Lemont's comments about accessibility to Fort Foster beaches, options for a ramp structure are prohibitively expensive and cannot be achieved at this time.

Town Manager Puff mentioned the structural fire which occurred at 19 Pepperrell Road where one of the firefighters was seriously injured. She spoke with Councilor Denault who suggested that the Town look into whether or not the current insurance is adequate coverage for this type of incident. She has discussed the issue with the human resources department and other municipalities. She also noted that they received a visit from the Department of Labor the day after the incident and they made four recommendations based upon their investigation, some of which have already been addressed.

Town Manager Puff commented on the KCC flooding issues at the unit ventilators as a result of them freezing during the winter. There have been three flood events as a result of burst pipes that occurred in the newly renovated portion of the building. She has met several times with the design team to discuss why this happened and who might be responsible and noted that Joel Bargmann of Hendrie and Archtype, the firm in charge of the renovation, has agreed to fund the repair of the system which will involve the removal of all unit ventilators and sealing them from the outside while maintaining air flow. The work should begin immediately.

Town Manager Puff requested to take a vacation from July 20-23 and has requested that Maryann Place be the interim Manager during that time.

Town Manager Puff commented that the Biddeford Free Clinic, an annual request for funding under community agencies, called to say that they would be closing in September because their mission has been accomplished so they will not need their allocated funding for this year. She also noted that there has been some response to the advertisement for minutes recorders for all boards and someone should be hired shortly.

7. Acceptance of previous minutes – special meeting on 6/22/2015

The minutes of 6/22/2015 were accepted as amended.

8. Interviews for the Board of Appeals and Planning Board – None.

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9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials – None.

**10. PUBLIC HEARINGS**

(070115-2) Kittery Town Council moves to hold a public hearing on a renewal application from Tributary Brewing Co., LLC, 5 Winding Brook Ln., So. Berwick, ME for a Special Activity Amusement Permit for Tributary Brewing Company, 10 Shapleigh Rd., Suite A.

Chairperson Thomson indicated that this public hearing was advertised as necessary in the local printed media on Friday, July 3, 2015. Chairperson Thomson also noted that an inspection has been completed and the establishment is in compliance with town code. Chairperson Thomson then opened the public hearing and, no response being heard, closed the public hearing.

**MOTION MADE BY COUNCILOR PELLETTIER TO RENEW THE  
APPLICATION. SECONDED BY COUNCILOR WHITE.**

**A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 6/0.**

**11. DISCUSSION**

a. Discussion by members of the public –

George Dow of Bartlett Road came to the podium and commented on the workshop held earlier that evening regarding Wood Island Station. He applauded Council for making the discussion on the matter available to the public so they can stay involved and informed. He also mentioned that although it is okay to have individual moral convictions and thoughts, it cannot interfere with votes. Mr. Dow mentioned the situation of Amazing.net and pointed out that decisions must be made based on law and not personal opinions. He thanked the Council for remedying the last vote surrounding amazing.net and rectifying the situation.

D. Allen Kerr of Colonial Road came to the podium to discuss the Rice Public Library. He commented that the members from the library have made their efforts to find a location for a new library clear. He added that once they find the appropriate location they can provide their estimated budget for operating and staffing needs which has been requested by Council on a few occasions. Mr. Kerr suggested that the Council let the library go through the process at their own pace and allow them to provide documentation to the Council when they have it available and no longer request it from them. He then asked Chairperson Thomson if he ever approached Barry Fitzpatrick to either sell or donate his land to the Town for the use of the KCC and mentioned

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that it is a conflicting interest. Mr. Kerr commented on Council's discussion of proposed access to the new library and noted that because the land is town land, this is a town issue. He added that he hopes that Council does find a way to provide access to the new library.

Aaron Stacy of Stevenson Road came to the podium to discuss the sewer project. He was happy to hear that it is moving forward but would like some indication as to what the cost will be. Chairperson Thomson asked him if he was referring to a specific property betterment assessment. Mr. Stacy responded that he is referring to a specific formula that was being used and noted that the only correspondence he had received stated that they did not want to go as deep with the sewer line as originally proposed and they met with his family to draft a sketch. He added that this would affect homes with basements and would require them to pump. Mr. Stacy commented that he would like to know exactly how deep the sewer will be and what the multiplier will be so that he can plan to budget for the changes to his home.

Mike Cocco of Haley Road approached the podium to express his support of the library. He noted that the Town Manager confirmed that a budget was provided by the library which should include how funds are to be spent. He added that an audit was performed on the library last year and was submitted to Council. He noted that per his discussion with Lee Perkins, the fire escape on the building needs repair which will come out of the operating budget. Mr. Cocco commented that both libraries are crowded and that there are intentions of expansion. His opinion, based upon his volunteer experience, is that the library needs a larger facility. He added that the proposal made by Chairperson Thomson about the monies in the library's budget would hinder the library's operation. Mr. Cocco also believes that the proposal is unfair and is setting a precedent.

George Dow approached the podium again to respond to Mr. Stacy's comments on the sewer betterment costs. He noted that the length of a sewer expansion in front of an individual's property has always been calculated the same in the past and he believes should have been calculated ahead of time.

**c. Chairperson's response to public comments**

Chairperson Thomson responded to Aaron Stacy by commenting that the Council approved a formula for the betterment assessments a number of months ago. Once that is in place and the project is complete, the costs for the work are determined for each lot and a betterment fee is assessed. He told Mr. Stacy that there may be some preliminary numbers available to assist him and he could contact the Town Manager or the Superintendent of the Department. Mr. Stacy commented that the project has changed and is no longer a gravity system and requires pumping. He added that he cannot find the formula and his property has not been listed on any mailings with the exception of the changes in the system. Chairperson Thomson stated that the formula is

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public record but he cannot remember during which specific meeting it was voted on. Councilor Dennett commented that he believes that if you are required to pump you do not have to pay the betterment fee but that Mr. Stacy should check with the Superintendent and that the fees cannot be calculated until the total project is finished. His opinion is that it is better to not give any fee estimates than to give an incorrect fee estimate. Chairperson Thomson requested that the Town Manager have George Kathios contact Mr. Stacy to discuss the situation.

Chairperson Thomson responded to Mr. Kerr's question regarding the meeting with Barry Fitzpatrick by stating that he attended a meeting which was called for by former Town Planner Mylroie when he was looking at the overall KCC campus and the possibility of additional land acquisition. He attended the meeting because he is the Chair of the Community Center Board. Mr. Kerr asked if the topic of discussion was the possible selling or donating of the land and Chairperson Thomson confirmed. He stated that the suggestion came entirely from Mr. Mylroie. Mr. Kerr asked him if he was there as a KCC representative and if he is still a member. Chairperson Thomson said yes to both. Mr. Kerr asked if the KCC had any interest in the property and Chairperson Thomson said not to his knowledge.

Mr. Kerr approached the podium and asked Councilor Lemont if he was at a KCC meeting a few months ago as a guest. Councilor Lemont confirmed. Mr. Kerr asked Councilor Lemont if a statement was made during that meeting regarding the KCC being interested in the property. Councilor Lemont responded that he does not recall. Mr. Kerr asked Town Manager Puff, a member of the KCC, if she recalled hearing this information. Town Manager Puff responded that she does not recall the specifics of that meeting but added that she thought at one point Mr. Mylroie was interested in the property. Mr. Kerr asked Chairperson Thomson if he is stating for the record that the KCC is not interested in the Fitzpatrick property. Chairperson Thomson responded that as far as he knows they are not interested in the property. Councilor Spiller commented to Mr. Kerr that this is not what discussion should be used for. Mr. Kerr stated that the Council represents the taxpayers and, in turn, represents him and he wants to make sure that the process is done in a clean and clear way without any conflicting interest. He then commented that, as a former member of the KCC Board, he knows that the KCC would love to have the Fitzpatrick property. Chairperson Thomson stated that it could have been discussed during a meeting when he was not present. Mr. Kerr asked whether the KCC would try to obtain the property if the library does not. Vice Chairperson White commented that this cross examination on the spot is not fair and Mr. Kerr should request a meeting and not expect one person to speak for an entire board. He told Mr. Kerr to refer to the Board's meeting minutes and informed him that they would deal with specific issues during tonight's meeting that would allow them to move forward and that all participants needs to be open to new ideas and work together. Mr. Kerr commented on specific remarks that were made by KCC Board members stating that library members were dragging their feet and were hiding facts which he believes is a willful intent to cast the library in a bad light. Councilor Spiller interjected that the role of public

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discussion is to give taxpayers the opportunity to come up and speak, which Mr. Kerr has done, the Chairperson responds to their comments and then the Council moves on.

**12. UNFINISHED BUSINESS**

(060315-5) Kittery Town Council moves to discuss a motion on the floor from the June 22, 2015 meeting, authorizing the Town Manager and Finance Director to issue to the Rice Public Library two payments of \$112,103 within the first six months of the fiscal year. The additional 50% to be disbursed in April of the fiscal year, if the work of the committee established, meets a consensus and the Town Council is satisfied with the financial planning taken by the Library.

**CHAIRPERSON THOMSON MOVED TO POSTPONE INDEFINITELY AND COUNCILOR WHITE SECONDED.**

**A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 6/0.**

**13. NEW BUSINESS**

a. Donations/gifts received for Council disposition - None

b. (070115-3) Kittery Town Council moves to adopt the resolution entitled "Resolution Authorizing Issuance of Bonds and Temporary Notes in Anticipation of Bonds, in the Principal Amount of \$958,015 to fund Municipal Facilities Capital Improvement Projects."

Chairperson Thomson commented that these three items are as a result of the municipal vote on June 9<sup>th</sup>.

**CHAIRPERSON THOMSON MOVED FOR THE COUNCIL TO ADOPT THE RESOLUTION ENTITLED "RESOLUTION AUTHORIZING ISSUANCE OF BONDS AND TEMPORARY NOTES IN ANTICIPATION OF BONDS, IN THE PRINCIPAL AMOUNT OF \$958,015 TO FUND MUNICIPAL FACILITIES CAPITAL IMPROVEMENT PROJECTS" WITH THE NOTATION THAT IT WAS ADOPTED BY THE VOTERS ON JUNE 9<sup>TH</sup>. MOTION SECONDED BY COUNCILOR WHITE.**

**A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 6/0.**

c. (070115-4) Kittery Town Council moves to adopt the resolution entitled "Resolution Authorizing Issuance of Bonds and Temporary Notes in Anticipation of Bonds, in the Principal Amount of \$1,300,000 to fund Road Infrastructure Capital Improvement Projects."



**CHAIRPERSON THOMSON MOVED FOR THE COUNCIL TO ADOPT THE RESOLUTION ENTITLED “RESOLUTION AUTHORIZING ISSUANCE OF BONDS AND TEMPORARY NOTES IN ANTICIPATION OF BONDS, IN THE PRINCIPAL AMOUNT OF \$1,300,000 TO FUND ROAD INFRASTRUCTURE CAPITAL IMPROVEMENT PROJECTS” WITH THE NOTATION THAT IT WAS ADOPTED BY THE VOTERS ON JUNE 9<sup>TH</sup>. MOTION SECONDED BY COUNCILOR SPILLER.**

**A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 6/0.**

d. (070115-5) Kittery Town Council moves to adopt the resolution entitled “Resolution Authorizing Issuance of Bonds and Temporary Notes in Anticipation of Bonds, in the Principal Amount of \$821,817 to fund School Facilities Capital Improvement Projects.”

**CHAIRPERSON THOMSON MOVED FOR THE COUNCIL TO ADOPT THE RESOLUTION ENTITLED “RESOLUTION AUTHORIZING ISSUANCE OF BONDS AND TEMPORARY NOTES IN ANTICIPATION OF BONDS, IN THE PRINCIPAL AMOUNT OF \$821,817 TO FUND SCHOOL FACILITIES CAPITAL IMPROVEMENT PROJECTS” WITH THE NOTATION THAT IT WAS ADOPTED BY THE VOTERS ON JUNE 9<sup>TH</sup>. MOTION SECONDED BY COUNCILOR PELLETIER.**

**A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 6/0.**

e. (070115-6) The Kittery Town Council moves to approve the disbursement warrants.

**CHAIRPERSON THOMSON MOVED TO APPROVE THE DISBURSMENT WARRANTS FOR A TOTAL AMOUNT OF \$463,637.91. MOTION SECONDED BY COUNCILOR SPILLER.**

**A VOICE CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 6/0.**

f. (070115-7) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Mary Safford Wildes Trust to interview Jeffrey Thomson for his re-appointment to that board until 2/28/18.

Councilor Thomson noted that the appointments all involve terms with different end dates and that the Town Manager noted that the Committee on Committees recommends having all board terms end on December 31<sup>st</sup>. Councilor Thomson stated that they could wait until December and ask the person to continue to serve because no successor has been appointed, appoint until December 31<sup>st</sup> of this year and then reappoint, or continue past practice and the

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terms will end on the dates that they end. Councilor Dennett suggested that they modify the first option. He added that all of the Boards currently being discussed have the rule that the members serve until the successor is appointed and qualified. He noted that he would prefer to do nothing and let the Town Clerk notify the members when their term is up and ask them if they wish to continue to serve and let the Committee organized by the Town Manager decide how to go about the process. Councilor Dennett does not agree with the second option because they should not appoint for partial terms unless it's for an expired term. Town Clerk Maryann Place commented that the people being discussed have already submitted an application for reappointment. Chairperson Thomson commented that the Council would not be taking any action this evening on items f, h, i and j.

g. (070115-8) The Kittery Town Council moves to authorize the Town Manager to enter into a lease purchase agreement with M.S.T. Government Leasing, LLC for the refunding and financing of copiers, in the amount of \$57,130.73 at a rate of interest of not more than 2.890% per year through August 1, 2020.

Chairperson Thomson notes a change in the amount to \$56,202.51.

Town Manager Puff commented that the Town has worked for years with Specialized Purchasing Consultants to assist with putting up to bid the copiers as a whole for both service and lease purchase, which allows the Town to effortlessly care for the equipment as well as make any replacements needed such as replacing failing equipment under warranty. Specialized has been working with schools and municipalities for many years and is able to obtain good prices on copiers. She commented that we have reduced annual costs on copier service and maintenance and lease purchasing with this agreement moving forward.

**CHAIRPERSON THOMSON MOVED TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO A LEASE PURCHASE AGREEMENT WITH M.S.T. GOVERNMENT LEASING, LLC FOR THE REFUNDING AND FINANCING OF COPIERS, IN THE AMOUNT OF \$56,202.51 AT A RATE OF INTEREST OF NOT MORE THAN 2.890% PER YEAR THROUGH AUGUST 1, 2020. MOTION SECONDED BY COUNCILOR WHITE.**

Councilor Dennett asked Town Manager Puff if the agreements were one year agreements. Town Manager Puff responded that they are and that there is a non-appropriation clause in the agreements that makes them considered one year agreements. Councilor Dennett commented that they would not run into the complexities of a charter and an ordinance. Town Manager Puff agreed.

**A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 6/0.**

h. (070115-9) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Shellfish Conservation Committee to interview Jean Treacy for re-appointment to that board until 4/1/18.

No action taken.

i. (070115-10) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Conservation Commission to interview Karen Saltus for re-appointment to that board until 5/31/18.

No action taken.

j. (070115-11) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Conservation Commission to interview Earledean Wells for re-appointment to that board until 5/31/18.

No action taken.

k. (070115-12) The Kittery Town Council moves to appoint Maryann Place as Acting Town Manager from July 20-23, 2015, during the Town Manager's absence.

Councilor Dennett asked Maryann Place if this was on her own will and accord to which she replied yes.

**CHAIRPERSON THOMSON MOVED TO APPOINT MARYANN PLACE AS ACTING TOWN MANAGER FROM JULY 20-23, 2015 DURING THE TOWN MANAGER'S ABSENCE. MOTION SECONDED BY COUNCILOR PELLETER.**

**A VOICE CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 6/0.**

#### **14. COUNCILOR ISSUES OR COMMENT**

Councilor Lemont thanked Town Manager Puff for addressing his concerns. He then commented that he has heard from residents of Whipple Road where Whipple enters 103 all the way to the Kittery Point Bridge that the speed limit is 30 mph whereas on either end of the road it is only 25 mph. The residents would like this reviewed and possibly reduced.

Councilor Spiller commented on possibly removing some vegetation at the gate house to Fort Foster to control the mosquitoes which she has received complaints about. She asked if the

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Town Manager could check with the Heritage Program on the 30 day deadline to come up with a preservation covenant.

**15. COMMITTEE AND OTHER REPORTS**

**a. Communications from the Chairperson**

Chairperson Thomson received correspondence from the County of York that included a bill for tax commitment in the amount of \$826,353.73 which he turned it over to the Town Manager.

Chairperson Thomson commented on the building permit listing regarding the Museums of York which took a permit out for interior work in the Kittery Practice building. He asked whether the Code Enforcement Officer could communicate with them about the grounds which are unkempt.

Chairperson Thomson reminded the Counsel that they have a workshop with the Kittery Land Trust at 6:15 on July 27<sup>th</sup>. He then suggested that the Town Manager meet with the two heads of the committees to discuss the workshop comments to determine a true deadline. He stated that the Town Manager has experience with preservation and could help navigate the process. Councilor Pelletier stated that the real question is which version of the preservation agreement they are willing to go forward with. He suggested that the Town Manager move forward with the preservation agreement with the project that is currently on hand which can be revised later.

Town Manager Puff commented that she contacted the Maine Historic Preservation Office and it suggested that they start discussing the preservation agreement and how it could be amended to assist the Town. She added that the SHPO encouraged her to write a list of questions with any concerns about the proposed sample agreement. She also commented that in any event the Town is the signatory to that document. Councilor Spiller commented that she believes WILSSA feels as though they cannot raise the funds for long term maintenance without the use part and Council feels as though they can jointly realize the agreement and then figure out the use, which is a difficult situation to resolve. She added that the result of the May 14<sup>th</sup> meeting was that the two groups get together and look at, what was that time called, the maintenance agreement which never happened. Vice Chairperson White commented that he thinks it would be helpful for the chairs of the committees to meet and review their options, figure out what the deadline is, if any, and figure out what would be the minimum agreement that would have to be in place in order to maintain funding. He added that the money is in hand to do the work on the exterior and start the first phase so meeting with the chairs of both committees to see if they

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could bridge the gap is a good idea. Councilor Dennett suggested that the Council read the agreements and added that if it is not in writing it never happened.

Councilor Pelletier commented that the money raised by WILSSA through the grants was secured by the premise that there would be exterior repair and the discussion about the preservation agreement is predicated on WILSSA's view that if there is going to be a preservation covenant then someone has to pay for it and if that someone is Kittery then they need a concession agreement and they need to allow Kittery to do the entire project. He stated that he does not believe it is predicated on WILSSA raising the money because they do not know what the money is going to be. Councilor Pelletier commented that he agrees with the meeting and encourages Council to direct the Town Manager to move forward on the preservation covenant based on the agreement that we have and the knowledge that any agreement entered into with WILSSA in the future it is likely that the covenant be revised. Councilor Lemont commented that WILSSA has invested a lot of time and money into the project and should have the option of making the decision of what path to go down. Councilor Dennett added that no documents should be signed without Council approval.

b. Committee Reports – None

16. EXECUTIVE SESSION – None.

17. ADJOURNMENT

**COUNCILOR WHITE MOVED TO ADJOURN, SECONDED BY COUNCILOR  
PELLETIER WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:10 P.M.**